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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12) No. CR 07-00346 SBA
13 Plaintiff,)
14 v.) STIPULATION AND [PROPOSED]
15) ORDER AMENDING JUDGMENT
16 DAVID C. SHIVERS,)
17 Defendant.)

18 IT IS HEREBY STIPULATED, by and between the parties to this action, that the Judgment in
19 a Criminal Case which was imposed on January 29, 2008 ("Judgment"), may be amended to reduce
20 the special assessment from \$200.00 to \$100.00. Mr. Shivers pled guilty to one count of a two count
21 indictment and so the special assessment should only be \$100.00
22

23 IT IS FURTHER STIPULATED by and between the parties that the Judgment be amended to
24 add a recommendation to the Bureau of Prisons that Mr. Shivers be considered for the 500 hour
25 RDAP program. Defense counsel contacted the Court reporter who was present at the sentencing on
26 January 29, 2008. She reviewed her notes from the sentencing and confirmed that defense counsel

1 asked for the recommendation and that the Court indicated that it would include this
2 recommendation in the Judgment.

3 Mr. Shivers is currently serving his sentence at the federal facility in Victorville and recently
4 contacted undersigned counsel regarding the two matters described. Unless the Court amends the
5 Judgment in a Criminal Case, Mr. Shivers will be required to pay \$200 as a special assessment and
6 likely will not be able to participate in the 500 hour RDAP program.
7

8 DATED: September 18, 2008 /S/

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10 JOYCE LEAVITT
Assistant Federal Public Defender

11 DATED: September 18, 2008 /S/

12 W. DOUGLAS SPRAGUE
13 Assistant United States Attorney

14 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
15 conformed signature (/s/) within this e-filed document.

16 **ORDER**

17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Judgment in a Criminal
18 Case which was imposed on January 29, 2008 ("Judgment") be amended to reduce the special
19 assessment from \$200.00 to \$100.00.
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21 IT IS FURTHER ORDERED that the Judgment be amended to add a recommendation to the
22 Bureau of Prisons that Mr. Shivers be considered for the 500 hour RDAP program.

23 SO ORDERED.

24 DATED: _____, 2008

25 HONORABLE SAUNDRA BROWN ARMSTRONG
26 United States District Judge